IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION
STATE OF TEXAS, *et al.*,)

State of Texas *el al*)
Plaintiffs, .)
v.)
)
UNITED STATES OF AMERICA, *et al.*)
)
Defendants.)
_____)

Case Number: 1:18-CV 68

AMICUS CURIAE BRIEF OF WILLIAM F. READE, Jr. (Pro se)

Amicus Curiae, by William F. Reade, Jr. (Pro se), respectfully submits this brief in opposition to Defendants' applying Constitutional Law in defense of non-U. S. Citizens. William F. Reade. Jr. states as follows:

"Pleadings in this case are being filed by Plaintiff in Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Haines v. Kerner 92 Sct 594, also See Power 914 F2d 1459 (11thCir1990), also See Hulsey v. Ownes 63 F3d 354 (5th Cir 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 10th Cir. 1991)."

STATEMENT OF THE ISSUES

This Court should review all previous arguments based on certain Constitutional issues in Article VI, overlooked by all concerned and not heretofore considered.

SUMMARY OF THE ARGUMENT

Is DACA a legal statute, by our Constitution, can the courts override the President and his power under the Constitution, The validity of Barack Obamas authority to issue any statements is also in question, under the same immigration and naturalization laws discussed here ?

ARGUMENT

There are three Branches of government Administrative, Legislative and Judicial, the last Judicial is meddling in the duties of the other two which

is prohibited by the Separation of Powers Act, [Separation of Powers in Action - U.S. v. Alvarez.]

The U.S. Constitution establishes three separate but equal branches of government: the legislative branch (makes the law), the executive branch (enforces the law), and the judicial branch (interprets the law). The Framers structured the government in this way to prevent one branch of government from becoming too powerful, and to create a system of checks and balances.

they are writing legislation from the bench by reading into and out of statutes and not complying with the Constitutional requirements for separation of powers.

Can a court read into a statute a requirement and verbiage not included by the Legislature?

"[United States v. Simmermacher, 74 M.J. 196 "(when a statute's language is plain, the sole function of the courts - at least where the disposition required by the text is not absurd - is to enforce it according to its terms; ***there is no rule of statutory construction*** that allows for a *court* ***to append additional language*** **as it sees fit)".** [Emphasis added]

The rules of law are summed up in Article VI of our Constitution

Sec. 2 This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be ***the supreme Law of the Land***; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Sec. 3 The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by ***Oath or Affirmation, to support this Constitution;*** but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.[1]

The Judiciary of today has Judges that are in violation of their oath to support the Constitution. **In accordance with** The **Supremacy Clause** found in Article 6 § 2 within the U.S. Constitution. This clause states that the

U.S. *Constitution along with U.S.* ***treaties*** and federal statutes make up the supreme law of the land.

CONVENTION ON CERTAIN QUESTIONS RELATING TOTHE CONFLICT OF NATIONALITY LAWS
THE HAGUE - 12 APRIL 1930

This treaty, does not allow, it prohibits this Nation from violating any other nations Laws and constitutions' citizenship and nationality laws, we expect them to honor our laws about U S citizens born in their country. Quid pro quo.

Any child born of American parents any where is an American citizen, under the jurisdiction of the USA. Any child of other nations wherever born are citizens of that nation and under their jurisdiction (Ambassador legation).

Any Judge who is in favor of DACA and Amnesty is in violation of Article VI the Supreme Law and his oath of office. You must understand that no one [since 1924] who enters our country legally or illegally is **NOT under the Jurisdiction** of the United States, they are under the jurisdiction of the Embassy of the nation of their parents and, their birth right. [see the Supreme Law Article VI]. Birth on foreign soil does not confer citizenship a nations laws do.

8 U.S. Code § 1324 - Bringing in and harboring certain aliens
US Code **(1)**

(A) (ii)
knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

(iii)

knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;

U.S. Constitution - Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ***ourselves and our Posterity***, do ordain and establish this Constitution for the United States of America.

We the People of the United States does not include any who are not citizens, and therefore do not have any rights under our Constitution.

The laws we make are for ***ourselves and our Posterity, not for citizens of other nations,*** that are not under our jurisdiction except for civil law, and not for Constitutional Law.

* "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." COOPER v. AARON, 358 U.S. 1, 78 S. Ct. 1401 (1958). See also the U.S. Supreme Court holding in COHENS v VIRGINIA 19 U.S.264, 404, 5 L.Ed. 257, 6 Wheat. 264 (1821). Which I say you are doing!!

My father and his Mother and Father and siblings had to apply and meet all the requirements in place, and denounce all allegiance to his former country. If my father had to do this, then **they** and anyone wanting citizenship ***have to do the same it is the law. [Equal Treatment]***

Where is the equal treatment and for us, and all legally naturalized citizens, further there is no mention of ***Amnesty*** in the Constitution or

any U. S. law, it has not a delegated power it has been retained by the people (ME).

Article 9 U.S. Constitution The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Article 10 U.S. Constitution The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

I can not find anywhere in the Constitution or laws any mention of Amnesty, or the people delegating the authority to grant it. No elected or appointed official has that power it has been retained by the people.

CONCLUSION:

DACA is not a Constitutional Law Under the Authority of the Constitution by it not being promulgated by Congress who is the only authority.

DACA is a Presidential Proclamation, with no substance in Law. A Judge can only interpret the Law not make it, only the Congress under their duties can.

Any thing a President does another President can undue under the same authority if it is not a LAW it cannot be looked into by the Judiciary.

It is therefor my motion that this court declare the Presidents order on abolishing DACA done and all other decisions unlawful because the Judges had no Lawful authority to intervene and question the Powers of one president over another's. And to Question the validity of Mr. Obama relative to all the information contained in and appended to this brief, as it is a crucial part of all Immigration questions we presently need to answer. Do we respond to the law or to "dreams"?

Sincerely

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Nationality for Immigrants

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I was born in Boston Massachusetts, March 11th 1938, my father was a British subject/citizen. (See British Nationality & Status of Aliens Act 1914). Mr. Obama was born in Hawaii his father was a British citizen (See British Nationality Act 1948 -). I was refused the opportunity to run for President because my father was a British citizen and not an American when I was born.

This information will prove that Nancy Pelosi and the members of the DNC as well as State election officials perjured themselves by certifying that Barack Obama was constitutionally qualified (Natural Born).

These are the International Laws which affect Mr. Obama's and my Citizenship, which I presented and the Defendants Have to be aware of due to their Positions. *Ignorantia juris non excusat.*

Convention on Certain Questions relating to the Conflict of Nationality Laws
(The Hague, 12 April 1930)

CONVENTION ON CERTAIN QUESTIONS RELATING TO THE CONFLICT OF NATIONALITY LAWS

CHAPTER I
GENERAL PRINCIPLES

Nationality for Immigrants

Article 1

It is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality.

Article 2

Any question as to whether a person possesses the nationality of a particular State shall be determined in accordance with the law of that State.

CHAPTER III

NATIONALITY OF MARRIED WOMEN

Article 8

If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

Article 9

If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband's new nationality.

Article 10

Naturalisation of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.

Article 11

The wife who, under the law of her country, lost her nationality on marriage shall not recover it after the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it, she shall lose the nationality which she acquired by reason of the marriage.

CHAPTER IV

NATIONALITY OF CHILDREN

Article 12

Rules of law which confer nationality by reason of birth on the territory of a State shall not apply automatically to children born to persons enjoying diplomatic immunities in the country where the birth occurs.

The law of each State shall permit children of consuls *de carrière*, or of officials of foreign States charged with official missions by their Governments, to become divested, by repudiation or otherwise, of the nationality of the State in which they were born, in any case in which on birth they acquired dual nationality, provided that they retain the nationality of their parents.

Article 13

Naturalisation of the parents shall confer on such of their children as, according to its law, are minors the nationality of the State by which the naturalisation is granted. In such case the law of that State may specify the conditions governing the acquisition of its nationality by the minor children as a result of the naturalisation of the parents. In cases where minor children do not acquire the nationality of their parents as the result of the naturalisation of the latter, they shall retain their existing nationality.

Article 14

GENERAL AND FINAL PROVISIONS

Article 18

The High Contracting Parties agree to apply the principles and rules contained in the preceding Articles in their relations with each other, as from the date of the entry into force of the present Convention.

The inclusion of the abovementioned principles and rules in the Convention shall in no way be deemed to prejudice the question whether they do or do not already form part of international law.

IN FAITH WHEREOF the Plenipotentiaries have signed the present Convention.

DONE at The Hague on the twelfth day of April, one thousand nine hundred and thirty, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which certified true copies shall be transmitted by the Secretary-General to all the Members of the League of Nations and all the non-Member States invited to the First Conference for the Codification of International Law.

It is understood that, in so far as any point is not covered by any of the provisions of the preceding Articles, the existing principles and rules of

international law shall remain in force.

British Nationality Act 1948 - Legislation.gov.uk
www.legislation.gov.uk/ukpga/Geo6/11-12/56/contents

PART II
CITIZENSHIP OF THE UNITED KINGDOM AND COLONIES
Citizenship by birth or descent

PART II CITIZENSHIP OF THE UNITED KINGDOM AND COLONIES *Citizenship by birth or* ***descent***

4. Citizenship by birth not applicable.

5. Citizenship by descent

(1)Subject to the provisions of this section, a person born after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by descent if his father is a citizen of the United Kingdom and Colonies at the time of the birth:

Provided that if the father of such a person is a citizen of the United Kingdom and Colonies by descent only, that person shall not be a citizen of the United Kingdom and Colonies by virtue of this section unless—

(a)that person is born or his father was born in a protectorate, protected state, mandated territory or trust territory or any place in a foreign country where **by treaty**, capitulation, grant, usage, sufferance, or other lawful means, His Majesty then has or had jurisdiction over British subjects ;

There cannot be any argument to the conclusion that Mr. Obama was definitely a British Citizen at Birth because we cannot arbitrarily obviate or disregard another Nations Laws, just for the sake of one individual's aggrandizement or promotion, without Consequences [see the Hague Convention 1930]. Nor can we ***not question*** his Citizenship in

this Country based on his Mother's status to convey legal citizenship at the time of his birth.

His Mother was born in the United States and his Father was a British subject/citizen. His Mother however, was not of age to meet the residency requirements to convey Citizenship:

..... "providing the U.S. Citizen parent had, prior to the birth of the child, been physically present in the United States for a period of ten years, at least five years of which were after the American parent reached the age of fourteen."

Transmission Requirements for Citizenship:

"Child born in wedlock to one U.S. citizen parent and one non-U.S. Citizen parent between December 24, 1952 and November 13, 1986: ....., may be entitled to citizenship providing the U.S. Citizen parent had, prior to the birth of the child, been physically present in the United States for a period of ten years, at least five years of which were after the American parent reached the age of fourteen."

She was 18 years of age and in the country only 4 (four) Years after her 14th birthday.

As of 27 August 2010 Barack Hussein Obama, II became a Citizen of Kenya under their Revised Constitution, **retroactive to 12 December 1963**. The previous Constitutions being repealed the new Constitution effects all who were born under British and Kenyan Constitutions **after 1948**.

He was allowed to run, be elected and installed as President of the United States, as a citizen of a foreign nation:

http://kenyaembassy.com/pdfs/Noticekenyacitizenship.pdf

(R e v. 2 0 1 0] *Constitution of Kenya* **17)**

Nationality for Immigrants

1. A person born of a Kenyan parent irrespective of the place of birth automatically becomes a citizen of Kenya by birth.
2. The constitution confers automatic recognition to persons holding citizenship of other countries as citizens of Kenya by birth so long as they are able to ***prove parentage as aforestated *** (National identification cards, passports).

{(Exhibit b) Birth Certificate} [Block 9 Race African; **Block 11 Birthplace Kenya East Africa]**

"ignorance of the law is no excuse." Justice Sotomayor puts it in slightly more formal terms, but that is the basis for the majority holding that ***Ignorantia juris non excusat*** or ***ignorantia legis neminem excusat*** (Latin for "ignorance of the law does not excuse" or "ignorance of the law excuses no one")

When we consider a person's citizenship or nationality we have to take into consideration the Treaties we have made internationally, and with the nations we have diplomatic treaties. Under Article VI they are supreme law.

Based on all of the forgoing I would Humbly move that this court find for the Plaintiffs.

Or: In the alternative halt all deliberations and actions pending the results of an inquiry into Mr. Barack Obamas citizenship and his lawful authority to enact the programs by Presidential Decree.

Sincerely

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This information proves without a doubt that Barrack Obama is not a U. S. Citizen, and all the politicians who have worked for and supported his election have committed a crime and are still in power in congress (Nancy Pelosi).

The first indicator of their attempt to defraud the nation started in 2008 with their attempt to prove that John McCain is a "Natural Born Citizen".

During my Research I have found all of the following information and the last thing I looked at was the John McCain Resolution which was a product of the democratically controlled senate signed by Obama and others, it proves Obama is not a Citizen the key words found in all the Legislation and debate are ALLIGEANCE & JURISDICTION. We find in addition that the founders were adamant that "Citizenship shall not descend to any whose fathers were not residents";

Why, then, would a litigant or judge refer to legislative history in a brief or an opinion?

Legislative history is one tool a court may use to interpret ambiguous statutory language or to determine the intent of the legislature in writing the law and wording it in the way it did. This interpretive function is called "statutory construction."

The most basic canon of statutory construction is that a court should begin interpreting a statute by looking at its "plain language." However, another canon is: a statute is to be construed in light of the harm the legislature meant to remedy.

Congressional Record
110th Congress (2007-2008)

JOHN S. McCAIN, III CITIZENSHIP -- (Senate - April 30, 2008)

EXHIBIT (A)

Mr. BROWN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 715, S. Res. 511

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 511) recognizing that John Sidney McCain, III, is a natural born citizen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, today we are considering a bipartisan resolution to express the common sense of all in this Chamber that Senator *McCain* is a ``natural born Citizen,'' as the term is used in the Constitution of the United States. Last week the Judiciary Committee voted unanimously to report this resolution to the Senate. I urge Senators to come together to pass this bipartisan resolution without delay.

Our Constitution contains three requirements for a person to be eligible to be President--the person must have reached the age of 35; must have resided in America for 14 years; and must be a ``natural born Citizen'' of the United States.

,

....., ***it is widely believed that if someone is born to American citizens anywhere in the world they are natural born citizens.***

It is interesting to note that another previous Presidential candidate, George Romney, was also born outside of the United States. He was widely understood to be eligible to be President. Senator Barry Goldwater was born in a U.S territory that later became the State of Arizona. Certainly those who voted for these two Republican candidates believed that they were eligible to assume the office of the President.

Because he was born to American citizens, there is no doubt in my mind that Senator McCain is a ``natural born Citizen''. I recently asked Secretary of Homeland Security Michael Chertoff, a former Federal judge, if he had any doubts in his mind. He did not.

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Former Solicitor General Theodore Olson and Harvard Law School Professor Laurence Tribe also analyzed the issue and came to the same conclusion--that Senator *McCain* is a natural born citizen eligible to serve as President.

Our bipartisan resolution would make it clear that Senator *McCain*, born in 1936 on an American Naval base ***to U.S. citizens***, is a ``natural born Citizen. We should act today on a bipartisan basis to erase any doubt that Senator *McCain* is eligible to run for President because of his citizenship status.

I ask unanimous consent that the legal analysis of Theodore Olson and Laurence Tribe be printed in the *Record.*

There being no objection, the material was ordered to be printed in the *Record*, as follows:

GIBSON, DUNN & CRUTCHER LLP,

Washington, DC, April 8, 2008.
Re legal analysis of question whether Senator John McCain is a natural born citizen eligible to hold the office of President.
Hon. *Patrick J. Leahy,*
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: Pursuant to a request received from the staff of your Committee, I enclose for your and your Committee's consideration a copy of my and Professor Laurence Tribe's analysis of the question whether Senator John McCain is a natural-born citizen eligible, under Article II of the Constitution, to hold the office of President of the United States. Professor Tribe and I are in agreement ***that the circumstances of Senator McCain's birth to American parents in the Panama Canal Zone make him a natural-born citizen within the meaning of the Constitution.***

Please do not hesitate to contact me if I can be of further assistance in this matter.

Very truly yours,
THEODORE B. OLSON.

GIBSON, DUNN & CRUTCHER LLP

EXHIBIT (A)

Washington, DC, April 8, 2008.
Re legal analysis of question whether Senator John McCain is a natural born citizen eligible to hold the office of President.
Hon. *Arlen Specter,*
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: Pursuant to a request received from Democratic Committee staff, I enclose for your consideration a copy of my and Professor Laurence Tribe's analysis of the question whether Senator John McCain is a ``natural born citizen'' eligible, under Article II of the Constitution, to hold the office of President of the United States. Professor Tribe and I are in agreement that ***the circumstances of Senator McCain's birth to American parents in the Panama Canal Zone make him a natural born citizen within the meaning of the Constitution.***

Please do not hesitate to contact me if I can be of further assistance in this matter.

Very truly yours,
THEODORE B. OLSON.

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March 19, 2008.

We have analyzed whether Senator John McCain is eligible for the U.S. Presidency, in light of the requirement under Article II of the U.S. Constitution that only ``natural born Citizen[s] ..... shall be eligible to the Office of President.'' U.S. Const. art. II, §1, cl. 5. We conclude that Senator McCain is a ``natural born Citizen'' ***by virtue of his birth in 1936 to U.S. citizen parents*** who were serving their country on a U.S. military base in the Panama Canal Zone. **The circumstances of Senator McCain's birth satisfy the original meaning and intent of the Natural Born Citizen Clause, as confirmed by subsequent legal precedent and historical practice.**

The Constitution does not define the meaning of ``natural born Citizen.'' The U.S. Supreme Court gives meaning to terms that are not expressly defined in the Constitution by looking to the context in which those terms are used; **to statutes enacted by the First Congress**, Marsh v. Chambers, 463 U.S. 783, 790-91 (1983); and to the common law at the time of the Founding. United States v. Wong Kim Ark, 169 U.S. 649, 655 (1898).

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These sources all confirm that the phrase ``natural born'' includes both birth abroad to parents who were citizens, and birth within a nation's territory and allegiance.

Thus, regardless of the sovereign status of the Panama Canal Zone at the time of Senator McCain's birth, he is a ***``natural born'' citizen because he was born to parents who were U.S. citizens.***

Congress has recognized in successive federal statutes since the Nation's Founding that children born abroad to U.S. citizens are themselves U.S. citizens. 8 U.S.C. §1401(c); see also Act of May 24, 1934, Pub. L. No. 73-250, §1, 48 Stat. 797, 797.

Indeed, the statute that the First Congress enacted on this subject not only established that such children are U.S. citizens, but also expressly referred to them as ``natural born citizens.'' Act of Mar. 26, 1790, ch. 3, §1, 1 Stat. 103, 104.

Senator McCain's status as a ``natural born'' citizen by virtue of his birth to U.S. citizen parents is consistent with British statutes in force when the Constitution was drafted, which undoubtedly informed the Framers' understanding of the Natural Born Citizen Clause. Those statutes provided, for example, that children born abroad to parents who were ``natural-born Subjects'' were also ``natural-born Subjects ..... to all Intents, Constructions and Purposes whatsoever.'' British Nationality Act, 1730, 4 Geol. 2, c. 21. The Framers substituted the word ``citizen'' for ``subject'' to reflect the shift from monarchy to democracy, but the Supreme Court has recognized that the two terms are otherwise identical. See, e.g., Hennessy v. Richardson Drug Co., 189 U.S. 25, 34-35 (1903). ***Thus, the First Congress's statutory recognition*** that persons born abroad to U.S. citizens were ``natural born'' citizens fully conformed to British tradition, whereby citizenship conferred by statute based on the circumstances of one's birth made one natural born.

There is a second and independent basis for concluding that Senator McCain is a ``natural born'' citizen within the meaning of the Constitution. If the Panama Canal Zone was sovereign U.S. territory at the time of Senator McCain's birth, then that fact alone

[Page: S3646]

EXHIBIT (A)

would make him a ``natural born'' citizen under the well-established principle that ``natural born'' citizenship includes birth within the territory and ***allegiance of the United States. See, e.g., Wong Kim Ark, 169 U.S. at 655-66. The Fourteenth*** Amendment expressly enshrines this connection between birthplace and citizenship in the text of the Constitution. U.S. Const. amend. XIV, §1 ***(``All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States. *.*.* '')*** (emphases added). Premising ``natural born'' citizenship on the character of the territory in which one is born is rooted in the common-law understanding that persons born within the British kingdom and under loyalty to the British Crown--including most of the Framers themselves, who were born in the American colonies--were deemed ``natural born subjects.'' See, e.g., 1 William Blackstone, Commentaries on the Laws of England 354 (Legal Classics Library 1983) (1765) (``Natural-born subjects are such as are born within the dominions of the crown of England, that is, within the ligeance, or as it is generally called, the allegiance of the king.*.*.* '').

There is substantial legal support for the proposition that the Panama Canal Zone was indeed sovereign U.S. territory when Senator McCain was born there in 1936. The U.S. Supreme Court has explained that, ``[f]rom 1904 to 1979, the United States exercised sovereignty over the Panama Canal and the surrounding 10-mile-wide Panama Canal Zone.'' *0'Connor* v. *United States*, 479 U.S. 27, 28 (1986). Congress and the executive branch similarly suggested that the Canal Zone was subject to the sovereignty of the United States. See, e.g., The President--Government of the Canal Zone, 26 Op. Att'y Gen. 113, 116 (1907) (recognizing that the 1904 treaty between the United States and Panama ``imposed upon the United States the obligations as well as the powers of a sovereign within the [Canal Zone]''); Panama Canal Act of 1912, Pub. L. No. 62-337, §1, 37 Stat. 560, 560 (recognizing that ``the use, occupancy, or control'' of the Canal Zone had been ``granted to the United States by the treaty between the United States and the Republic of Panama''). Thus, although Senator McCain was not born within a State, there is a significant body of legal authority indicating that he was nevertheless born within the sovereign territory of the United States.

Historical practice confirms that birth on soil that is under the sovereignty of the United States, but not within a State, satisfies the Natural Born Citizen Clause. For example, Vice President Charles Curtis was born in the territory of Kansas on January 25, 1860--one year before Kansas became a State. Because the Twelfth Amendment requires that Vice Presidents possess the same qualifications as Presidents, the service of Vice President Curtis verifies that the phrase ``natural born Citizen'' includes birth outside of any State but within U.S. territory.

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Similarly, Senator Barry Goldwater was born in Arizona before its statehood, yet attained the Republican Party's presidential nomination in 1964. And Senator Barack Obama was born in Hawaii on August 4, 1961--not long after its admission to the Union on August 21, 1959. We find it inconceivable that Senator Obama would have been ineligible for the Presidency had he been born two years earlier.

Senator McCain's candidacy for the Presidency is consistent not only with the accepted meaning of ``natural born Citizen,'' but also with the Framers' intentions when adopting that language. The Natural Born Citizen Clause was added to the Constitution shortly after John Jay sent a letter to George Washington expressing concern about ``Foreigners'' attaining the position of Commander in Chief. 3 Max Farrand, The Records of the Federal Convention of 1787, at 61 (1911). It goes without saying that the Framers did not intend to exclude a person from the office of the President simply because he or she was born to U.S. citizens serving in the U.S. military outside of the continental United States; Senator McCain is certainly not the hypothetical ``Foreigner'' who John Jay and George Washington were concerned might usurp the role of Commander in Chief.

Therefore, based on the original meaning of the Constitution, the Framers' intentions, and subsequent legal and historical precedent, Senator McCain's birth to parents who were U.S. citizens, serving on a U.S. military base in the Panama Canal Zone in 1936, makes him a ``natural born Citizen'' within the meaning of the Constitution.
LAURENCE H. TRIBE.
THEODORE B. OLSON.

Mr. BROWN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the *Record*.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. 511) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 511

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Whereas the Constitution of the United States requires that, to be eligible for the Office of the President, a person must be a ``natural born Citizen" of the United States;

Whereas the term ``natural born Citizen", as that term appears in Article II, Section 1, is not defined in the Constitution of the United States;

Whereas there is no evidence of the intention of the Framers or any Congress to limit the constitutional rights of children born to Americans serving in the military nor to prevent those children from serving as their country's President;

Whereas such limitations would be inconsistent with the purpose and intent of the ``natural born Citizen" clause of the Constitution of the United States, as evidenced by the First Congress's own statute defining the term ``natural born Citizen";

Whereas the well-being of all citizens of the United States is preserved and enhanced by the men and women who are assigned to serve our country outside of our national borders;

Whereas previous presidential candidates were born outside of the United States of America and were understood to be eligible to be President; and

Whereas John Sidney McCain, III, was born to American citizens on an American military base in the Panama Canal Zone in 1936: Now, therefore, be it

Resolved, That John Sidney McCain, III, is a ``natural born Citizen" under Article II, Section 1, of the Constitution of the United States.

I am including the following information as substantive proof that the Democratic Party has and is unlawfully "Reading out of Statutes" unlawfully changing the meaning, during the consideration of Calendar No. 715, S. Res. 511.

Statutory interpretation is the process by which courts interpret and apply legislation.

U.S. Supreme Court: "[I]n interpreting a statute a court should always turn to one cardinal canon before all others. . . .[C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there." *Connecticut Nat'l Bank v. Germain*, 112 S. Ct. 1146, 1149 (1992). Indeed,

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"when the words of a statute are unambiguous, then, this first canon is also the last: 'judicial inquiry is complete.'" 503 U.S. 249, 254.

Morrison v. Claborn, 294 Ga. App. 508, 512 (2008). "Where the language of a statute is plain and unambiguous, judicial construction is not only unnecessary but forbidden. In the absence of words of limitation, words in a statute should be given their ordinary and everyday meaning." Six Flags Over Ga. v. Kull, 276 Ga. 210, 211 (2003) (citations and quotation marks omitted). Because there is no other "natural and reasonable construction" of the statutory language, this Court is "**not authorized either to read into or to read out that which would add to or change its meaning."** Blum v. Schrader, 281 Ga. 238, 240 (2006) (quotation marks omitted).

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" Act of Mar. 26, 1790, ch. 3, §1, 1 Stat. 103, 104.

FIRST CONGRESS . Sess.II. Chap. 3. 1790
Chap. III. -- An act to establish an uniform Rule Of Naturalization.(a)

Section I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the states wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the proceedings thereon; and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so
naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. **And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens: Provided, That the right of citizenship *shall not descend to persons whose fathers have never been resident in the United States*: *Provided Also,*** That no person heretofore proscribed by any state, shall be admitted a citizen as aforesaid, except by an act of the legislature of the state in which such person was proscribed.(a) ***Approved, March 26, 1790.*** (Emphasis added)

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The primary author of the citizenship clause, Sen. Jacob M. Howard, said the "word jurisdiction, as here employed, ought to be construed so as to imply a full and complete jurisdiction on the part of the United States, coextensive in all respects with the constitutional power of the United States, whether exercised by Congress, by the executive, or by the judicial department; that is to say**, the same jurisdiction in extent and quality as applies to every citizen of the United States now." United States Attorney General, George Williams,** whom was a U.S. Senator aligned with Radical Republicans during the drafting of the Fourteenth Amendment in 1866**, ruled in 1873 the word "jurisdiction" under the Fourteenth Amendment "must be understood to mean absolute and complete jurisdiction, such as the United States had over its citizens before the adoption of this amendment." He added, "Political and military rights and duties" do not pertain to anyone else.**

Essentially then, "subject to the jurisdiction thereof" means the same jurisdiction the United States exercises over its own citizens, i.e., only citizens of the United States come within its operation since citizens of the United States do not owe allegiance to some other nation at the same time they do the United States. This makes a great deal of sense for the time because there was a great deal of controversy over conflicts arising from double allegiances.

In fact, Congress issued a joint congressional report on June 22, 1874 that said the "United States have not recognized a double allegiance".

"Just as a person cannot be naturalized and subject to the jurisdiction of the United States while owing allegiance to another nation, neither can anyone born. Why would "subject to the jurisdiction thereof" be any different with persons born since this jurisdiction equally applies to persons born *or* naturalized? In other words, the words do not exempt persons born from the same allegiance requirements

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of persons naturalized.

It is worth noting that wives and children were never naturalized separately but became naturalized through the father/husband. Because "subject to the jurisdiction thereof" requires not owing allegiance to any other nation, and because the nation does not recognize double allegiances that can be created at common law, narrows the possibilities to what "natural-born citizen" can mean.

Natural-Born Citizen Defined

One universal point most all early publicists agreed on was natural-born citizen must mean one who is a citizen by no act of law. If a person owes their citizenship to some act of law (naturalization for example), they cannot be considered a natural-born Citizen. This leads us to defining natural-born citizen under the laws of nature - laws the founders recognized and embraced.

Under the laws of nature, every child born requires no act of law to establish the fact the child inherits ***through nature his/her father's citizenship as well as his name*** (or even his property) through birth. ***This law of nature is also recognized by law of nations.*** Sen. Howard said the citizenship clause under the Fourteenth Amendment was by virtue of "natural law and national law."

Rep. A. Smyth (VA), House of Representatives, December 1820: When we apply

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the term "citizens" to the inhabitants of States, it means those who are members of the political community. The civil law determined the condition of the son by that of the father. ***A man whose father was not a citizen was allowed to be a perpetual inhabitant, but not a citizen, unless citizenship was conferred on him.***

House Report No. 784, dated June 22, 1874, stated, "*The United States have not recognized a 'double allegiance.' By our law a citizen is bound to be 'true and faithful' alone to our government.*" It wouldn't be practical for the United States to claim a child as a citizen when the child's natural country of origin equally claims him/her because doing so could leave the child with two competing legal obligations, e.g., military duty.

Fourteenth Amendment

Whatever might have been the correct understanding of "natural-born citizen" prior to 1866, the adoption of the Fourteenth Amendment certainly changes the view because for the first time we have a written national rule declaring who are citizens through **birth or naturalization**.

Who may be born citizens is conditional upon being born "subject to the jurisdiction" of the United States – a condition not required under the common law. The legislative definition of "subject to the jurisdiction thereof" was defined as "Not owing allegiance to anybody else," which is vastly different from local jurisdiction due to physical location alone.

This national rule prevents us from interpreting natural-born citizen under common law rules because it eliminates the possibility of a child being born with more than one claim of allegiance.

United States Attorney General, George Williams, whom was a U.S. Senator aligned with Radical Republicans during the drafting of the Fourteenth Amendment in 1866, ruled in *1873* the word "jurisdiction" under the Fourteenth Amendment "must be understood to mean absolute and complete jurisdiction, such as the United States had over its citizens before the adoption of this amendment."

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He added, **"Political and military rights and duties do not pertain to anyone else."**

Rep. John A. Bingham commenting on Section 1992 said it means "every human being born within the jurisdiction of the United States of **parents not owing allegiance to any foreign sovereignty** is, in the language of your Constitution itself, *a natural born citizen.*" (Cong. Globe, 39th, 1st Sess., 1291 (1866))

Bingham had asserted the same thing in 1862 as well:

Does the gentleman mean that any person, born within the limits of the Republic, and who has offended against no law, can rightfully be exiled from any State or from any rood of the Republic? Does the gentleman undertake to say that here, in the face of the provision in the Constitution, that persons born within the limits of the Republic, of parents who are not the subjects of any other sovereignty, are native-born citizens, whether they be black or white? There is not a textbook referred to in any court which does not recognise the principle that I assert. (Cong. Globe, 37th, 2nd Sess., 407 (1862))

Bingham of course was paraphrasing Vattel whom often used the plural word "parents" but made it clear it was the father alone for whom the child inherits his/her citizenship from (suggesting a child could be born out of wedlock wasn't politically correct). Bingham subscribed to the same view as most everyone in Congress at the time that in order to be born a citizen of the United States one must be born within the allegiance of the Nation. As the court has consistently ruled without controversy, change of location never changes or alters the allegiance of anyone but only an act of the person acting per written law can alter the allegiance owed.

This of course, explains why emphasis of not owing allegiance to anyone else was the effect of being subject to the jurisdiction of the United States under the Fourteenth Amendment.

It should be noted this allegiance due under England's common law and American law are of two different species. Under the common law one owed a personal allegiance to the King as an individual upon birth for which could never be thrown off. Under the American system there was no individual ruler to owe a perpetual personal allegiance to.

The constitutional requirement for the President of the United States to be a natural-born citizen had one purpose according to St. George Tucker:

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That provision in the constitution which requires that the president shall be a native-born citizen (unless he were a citizen of the United States when the constitution was adopted,) **is a happy means of security against foreign influence, which, wherever it is capable of being exerted, is to be dreaded more than the plague.**

The admission of foreigners into our councils, consequently, cannot be too much guarded against; their total exclusion from a station to which foreign nations have been accustomed to, attach ideas of sovereign power, sacredness of character, and hereditary right, is a measure of the most consummate policy and wisdom. ...The title of king, prince, emperor, or czar, without the smallest addition to his powers, would have rendered him a member of the fraternity of crowned heads: their common cause has more than once threatened the desolation of Europe. To have added a member to this sacred family in America, would have invited and perpetuated among us all the evils of Pandora's Box.

Charles Pinckney in 1800 said the presidential eligibility clause was designed "to insure ... attachment to the country." President Washington warned a "passionate attachment of one nation for another, produces a variety of evils," and goes on to say:

Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained; and by exciting jealousy, ill- will, and a disposition to retaliate, in the parties from whom equal privileges are withheld.

And it gives to ambitious, corrupted, or deluded citizens, (who devote themselves to the favorite nation,) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearance of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

What better way to insure attachment to the country then to require the President to have inherited his American citizenship through his American father and not through a foreign father. Any child can be born anywhere in the country and removed by their father to be raised in his native country. The risks would be for

the child to return in later life to reside in this country bringing with him foreign influences and intrigues, and thus, making such a citizen indistinguishable from a naturalized citizen.

Conclusion:

When reviewing all of the evidence I have collected and assembled there can be no doubt that Mr. Obama is not a US Citizen, and Mr.'s. Rubio and Cruz are "Naturalized" and not "Natural Born" Citizens.

Extending citizenship to non-citizens through birth based solely upon locality is nothing more than mere municipal law that has no extra-territorial effect as proven from the English practice of it. On the other hand, citizenship by descent through the father is natural law and is recognized by all nations (what nation doesn't recognize citizenship of children born wherever to their own citizens?).

Thus, a natural-born citizen is one whose citizenship is recognized by law of nations rather than mere local recognition.

Chairman of the House Judiciary Committee, James F. Wilson of Iowa, confirmed this in 1866: "We must depend on the general law relating to subjects and citizens recognized by all nations for a definition, and that must lead us to the conclusion that every person born in the United States is a natural-born citizen of such States, except that of children born on our soil to temporary sojourners or representatives of foreign Governments."*

When a child inherits the citizenship of their father, they become a natural-born citizen of the nation their father belongs regardless of where they might be born.

It should be pointed out that citizenship through descent of the father was recognized by U.S. Naturalization law whereby children became citizens themselves as soon as their father had become a naturalized citizen, or were born in another country to a citizen father.

Yes, birth is prima facie evidence of citizenship, but only the citizenship of the nation the father is a member.

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Respectfully

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